

Appl. No. 09/622,381
Atty. Docket No. CM1709
Amdt. dated 04/12/2004
Reply to Office Action of 12/22/2003
Customer No. 27752

REMARKS

Claims 7 and 18 are canceled without prejudice.

Claims 1, 3, 5, 8-11, 15-17, and 19-22 remain pending in the present application. No additional claims fee is believed to be due.

Claims 1 and 11 have been amended to incorporate the limitations of Claims 7 and 18, respectively. Support for the amendment is found in Claims 7 and 18, as well as in the specification at page 4, first full paragraph.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC 103(a)

Claims 1, 3, 5, 8, 10, 11, 15, 16, 17, 19, 21, and 22 were rejected under 35 USC 103(a) as being unpatentable over Fujinami et al. (US 3,939,838) in view of Kostinko (US 4,539,191).

Claims 7, 9, 18, and 20 were objected to as being dependent upon a rejected base claim, but were otherwise indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Independent Claims 1 and 11 have been amended to include the limitations of allowable Claims 7 and 18, respectively. The only intervening claim between Claim 1 and Claim 7 is Claim 3, which specifies activated silica as the adsorbent material. Similarly, the only intervening claim between Claim 11 and Claim 18 is Claim 15, which also specifies activated silica as the adsorbent material. Applicant respectfully asserts that the claims as currently presented are unobvious over the cited art without the additional recitation of specifying "activated silica" as the adsorbent material.

The "activated" silica of Kostinko is a combination of silica and alumina. Both of these materials are within the scope of "adsorbent materials" of Applicant's invention. For example, Applicant's invention provides that the adsorbent material can be alumina, silica, silicate, aluminosilicate, or a combination thereof, including "activated" silica. However, the present invention additionally requires a dopant material. The dopant claimed in the present invention is distinctly different from (and would not include) alumina. Furthermore, there is no teaching in the cited references that would suggest that one of ordinary skill in the art combine a dopant as claimed by Applicant with an adsorbent material.

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Therefore, Applicant respectfully contends that the present invention as currently claimed is unobvious over the cited art and that the rejection should be withdrawn.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 USC 103(a). Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of the pending claims.

Respectfully submitted,

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